

Adult Investigations and Assessments Policy

Approved:



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I. Policy

All Presentence Investigations (PSI), Presentence Reports (PSR), Court-Requested Information (CRI), Investigation Updates, Supervision Overviews, Post-release Supervision Plans and Post-release Supervision Plan, Jail versions, shall be prepared in accordance with state statutes and/or the specific format and as determined by the Administrative Office of Probation.

II. Purpose

The purpose of the Presentence Investigation (PSI), Presentence Report (PSR), Court-Requested Information (CRI), Post-Release Supervision Plan and Post-release Supervision Plan, Jail Version is to present the court with the individual's criminal history and relevant personal and environmental background information in accordance with state statute, to assist a judge in determining an appropriate sentence, to assist in the assessment and supervision of any individual under community supervision or incarcerated) and/or as background information when planning and establishing conditions of post-release supervision probation or parole following a term of incarceration.

III. Reference

[Neb. Rev. Stat. § 29-2260](#)

[Neb. Rev. Stat. § 29-2261](#)

[Neb. Rev. Stat. § 29-4401](#)

[Neb. Rev. Stat. § 29-119](#)

[Neb. Rev. Stat. § 29-2204](#)

[Neb. Rev. Stat. § 29-2246](#)

[Neb. Rev. Stat. § 29-2252](#)

[Neb. Rev. Stat. § 29-2260](#)

[Neb. Rev. Stat. § 29-2263](#)

[Neb. Rev. Stat. § 29-2281](#)

[Neb. Rev. Stat. § 29-2308](#)

[Neb. Rev. Stat. § 29-3523](#)

[Neb. Rev. Stat. § 81-1848](#)

[Sec. 101 83-1107](#)

IV. Procedure

A. Investigation Set-up

Once the district or county court has been ordered to participate in either a Presentence Investigation (PSI), Presentence Report (PSR), or Court-Requested Information (CRI), the individual to be investigated shall report to the probation office for set-up purposes.

B. Investigation Interview

Each investigation shall utilize the skills and techniques of motivational interviewing (Motivational Interview). Probation officers shall use the appropriate assessment and interview guide relating to the type of investigation they are completing.

C. Confidentiality

Each probation district shall ensure the confidential handling of material in an appropriate manner and release of information only to individuals as prescribed by Neb. Rev. Stat. § 29-2261 (6). Examples include:

1. Handling investigation report materials during preparatory stage.
2. Environment in which the probationer is interviewed.
3. Submitting investigation reports to the court.
4. Distribution of investigation reports to the attorney of record.
5. Distribution of investigation reports to third parties as per local court approval.
6. Processing of investigation reports in the event of an appeal.
7. Handling investigation report following sentencing.
8. Distribution of assessment information.
9. Discussing confidential information.
10. Maintaining confidential files.
11. Maintaining confidential electronic files.

D. Confidentiality requests for Health Information

Each probation district shall utilize HIIIPA Compliant authorization for release of health information forms in the disclosure of any confidential material and communications. These forms are to comply with the Health Insurance Portability and Accountability Act

of 1996 (HIPPA), 45 C.F.R. Parts 160 and 164, and the federal regulations governing Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2. (P. Sub).

E. Administrative Policy P, DNA

Probation officers shall recommend in the Presentence Investigation (PSI, PDI, etc.), DNA testing for required offenses. The DNA requirement shall be identified in the "Penalty" section of the Presentence Investigation (PSI, PDI, etc.). If a probationer is sentenced to direct probation and DNA testing for a required offense has not been placed in the probation order, the probation officer shall request an amended order of probation.

F. Firearm Notification

Individual's precluded from the use or possession of firearms or other dangerous weapons shall receive notification regarding limitations of their right to receive, possess, or transport any firearm.

G. Substance Abuse Testing

If an offender is tested for substance abuse at the investigation stage, there shall be documentation that testing is done per a judge's order and the results of said testing shall be entered in the Nebraska Probation System's information management system and detailed in the applicable Court report.

H. Environment

While completing the investigation, the interview setting shall be conducive to confidentiality, motivational interviewing, and the gathering of information.

I. Courtesy Investigations

When a district is ordered to complete an investigation on an offender who resides outside of the district, a courtesy investigation may be requested by the District in which the defendant resides.

J. Presentence Investigations (PSI)

The Presentence Investigation (PSI) is a comprehensive investigation and report outlining the background, environmental factors and current status of an individual who is awaiting sentencing. The information obtained is to be specific to the circumstances of the offense and risk of the offender in order to provide detailed information that will assist the court in determining a proper sentence.

1. The Presentence Investigation (PSI) shall be used for the following cases:

- a) All district court cases when an investigation has been ordered by the court.

- b) All investigations ordered by the county court relating to sexual assault, domestic violence offenses and Driving While Intoxicated Third Offense or above.
- 2. The summary of the PSI shall outline the assessment domain scores and correlating, suggested interventions, both within institutional and community settings for the Court's consideration.

The summary shall include recommended interventions, progress, completion, and status of each intervention, along with suggestions for additional interventions and detail current availability within the community.

- a) For class IV felony offenses, officers shall offer evidence-based risk reduction techniques that target community based programming related to each very high or high domain in an endeavor to reduce risk.
- b) For class I, II, III, and IIIA felony offenses, officers shall offer evidence-based risk reduction techniques that target community and institutional programming focused on each very high or high domain, taking into consideration program availability and accessibility.

K. Presentence Investigations (PSI) completed on individuals convicted of crimes including "Specialized Circumstances" shall include detailed information regarding a history relating to the components of crime committed. These Specialized Circumstances include:

1. Domestic Violence Specialized Circumstances

Individuals convicted of domestic violence (DV)-related offenses require specific assessments in order to determine the appropriate intervention. Probation officers shall complete domestic violence specialized assessments when the circumstances of the offense present domestic violence-related characteristics.

Domestic violence is defined as a pattern of coercive behaviors that serves to establish, demonstrate, and maintain power and control over another person in an intimate relationship. These behaviors can include physical, emotional, economic, and/or sexual abuse

2. Sex Offense Specialized Circumstances

Individuals convicted of sex offenses require specific assessments in order to determine the appropriate intervention. Probation officers shall complete sex offender specialized assessments when the circumstances of the offense present sex offense-related characteristics. These offenses may include any of the following behaviors: voyeurism, exhibitionism, fondling, child pornography,

child enticement, and penetration, when the victim is either underage or is non-consenting.

3. Specialized Screening

Because certain populations of probationers present unique challenges, a specialized approach to assessment of these cases is taken and shall be used to identify risk with criminogenic potential and determine unique needs. These specialized populations include, but are certainly not limited:

- a) Post-release Supervision.
- b) Specialized Substance Abuse Supervision (SSAS)
- c) Driving While Intoxicated Screening
- d) Problem-Solving Courts
- e) Mental Health Screening
- f) Substance Abuse Disorders
- g) Street Gang Affiliation or Street Violence
- h) All Juveniles Filed in Adult Court

4. Post-Release Supervision Plan

Included in the Summary section of each felony PSI submitted shall be analysis outlining the assessment domain scores and correlating, suggested interventions, both within an institution or in the community. This summary shall form the foundation for the Order of Post-release Supervision entered by the Court at the time of Sentencing.

The Post-release Supervision Plan, which will be forwarded to the Court for review prior to the inmates release onto post-release supervision, shall include updates on the recommended interventions, progress, completion, and status of each intervention addressed in the initial summary along with suggestions for additional interventions and detail current availability within the community.

L. Presentence Report (PSR)

The Presentence Report (PSR) is a comprehensive investigation and a succinct, focused report concentrating on those topic areas and risk factors directly correlated to the offense. The information provided should be of sufficient detail to provide the court with an accurate picture of the offender and risk factors used in sentencing. The Presentence Report (PSR) shall be used for the following cases:

1. All county court cases ordered by the court unless a Court-Requested Information (CRI) report has been requested instead.

M. Court-Requested Information (CRI)

The Court-Requested Information (CRI) report was developed specifically at the request of the courts for use in cases where judges may not require the depth of information contained in a Presentence Investigation (PSI) or Presentence Report (PSR). The focus of the investigation is around assessment, criminal history, victim information, and recommendations.

The Court-Requested Information (CRI) shall be used for the following cases:

1. As an order of a judge.
2. All Misdemeanor IV or lesser offenses.

N. Other Investigations

1. Investigation Update

The Investigation Update is an extension of the previous investigation if completed within the past six (6) months.

- a) Presentence Investigation (PSI) Update

The update must be connected to the original Presentence Investigation (PSI). The PSI Update is not to be used as a Supervision Overview.

- b) Presentence Report (PSR) Update

The update must be connected to the original Presentence Report (PSR). The PSR Update is not to be used as a Supervision Overview.

- c) Court-Requested Information (CRI) Update

A new CRI is required each time a CRI is ordered. The CRI is not to be used as a Supervision Overview.

- 1) Investigation updates cannot be updated from a lesser investigation (a Presentence Report (PSR) cannot be updated to create a Presentence Investigation (PSI) update).

2. Supervision Summary

The Supervision Overview is created when the court requests a review of probation supervision as a result of a Revocation of Probation or post-release

supervision probation. The supervision summary is based on the conditions completed, or not completed by the probationer during their term of supervision. The summary shall be a detailed synopsis of the events leading up to and including the Revocation of Probation. The Supervision Summary shall be attached to the original investigation of record for the court case where the summary was requested, if applicable. Otherwise, it shall be a stand-alone document.

3. No Show

If an individual has failed to report for the investigation process, minimally a Court-Requested Information (CRI) shall be completed. The report shall include documentation of all attempts made to contact the individual. This should be included in the report.

4. Direct Probation Investigation on Post-release Supervision Cases

For direct out of court commitments placed on post-release supervision probation without the benefit of a PSI, and when a PSI had not been completed within the past calendar year, a Post-release Supervision – Court Requested Information (PRS-CRI) report including basic demographic, court case and victim's information and/or statements when applicable, shall be completed. This report shall include the results of a formal risk assessment and information regarding the recommended interventions, progress, completion, and status of each intervention addressed during the term of incarceration. Suggestions for additional interventions and detailed, current availability of said interventions within the community shall also be made. A post-release supervision plan shall also be prepared and the Order of Post-release Supervision Probation shall be modified to include additional interventions as indicated.

5. Transition from Investigation to Supervision

Probation shall assure the connection between the investigation and the order of probation. Recommendations, if presented in the Presentence Investigation (PSI), shall be based on the assessed risk and needs of the defendant. This will ensure a seamless transition for the probationer from investigation to supervision that includes all necessary information and communication. This is particularly important in the event the investigation officer and supervision officer are not the same.

6. Incarceration in a County Jail

When an individual has been incarcerated in a local county jail, a post-release supervision plan shall be defined as the presentence investigation, or a subsequent risk and needs assessment, and other available information.

7. Processing of Investigation Report in the Event of an Appeal

- a) In the event of an appeal to a higher court of jurisdiction (District Court, Court of Appeals or the Supreme Court), it shall be necessary that the appellate court receive the investigation report, along with other relevant file material, in order to maintain the integrity of the original record as viewed by judge.
- b) When an investigation has been appealed to either the Nebraska Court of Appeals or the Nebraska Supreme Court, that investigation shall be forwarded to those courts electronically at the earliest possible opportunity.

Q. Post-Release Supervision Plan

- 1. In cases where Post-Release Supervision is ordered in conjunction with a term of incarceration, a Post-Release Supervision Plan shall be created and submitted to the Court in compliance with Supreme Court Rule § 6-1904 prior to the inmate's release from a correctional institution. This PRS Plan, is compiled in collaboration with the Department of Corrections or a County Jail. The Post-Release Supervision Plan will be based on the plan that was initially created and submitted as a part of the Presentence Investigation.
 - a) The Post-Release Supervision Plan shall detail all programming completed and services received while the client was incarcerated, as well as any reductions in risk associated with completed programming and documented behavior change.
- 2. As a part of this report, the Department of Corrections will submit all available information related to programming completed within the facility, evaluations conducted during the term of incarceration, misconduct reports, any completed classification studies, and institutional assessments.
- 3. In the event that a term of incarceration has been served at a County Jail, the officer charged with preparing Post-Release Supervision Report shall partner with the Jail Administrator or designee in order to compile information related to:
 - a) Completed Programming
 - b) Institutional Conduct
 - c) Classification

4. Prior to the inmates discharge from Department of Correctional Services (DCS) custody, Probation staff shall be responsible for completing and submitting a revised Post-Release Supervision Plan which includes:
 - a) A Community Needs & Services Assessment which details specifics related to proposed plans for:
 - 1) Housing
 - 2) Employment
 - 3) Medication management and health care
 - 4) Child support, if ordered
 - 5) SSI, Disability Application, status, if applicable
 - 6) Available positive supports
 - 7) Victim status & safety plan
 - 8) Driver's License status
 - 9) Transportation arrangements
 - b) Recommendations for post-release supervision terms and conditions.
5. For those probationers who are sentenced to a term of jail time served at a county jail in conjunction with a term of Post-Release Supervision, probation staff shall be responsible for completing and submitting a Post-Release Supervision Plan, Jail Version. This document shall include information related to:
 - a) Programming completed
 - b) Institutional conduct
 - c) A Community Needs & Services Assessment which details specifics related to proposed plans for:
 - 1) Housing
 - 2) Employment
 - 3) Medication management and health care
 - 4) Child support, if ordered
 - 5) SSI, Disability Application, status, if applicable

- 6) Available positive supports
- 7) Victim status & safety plan
- 8) Driver's License status
- 9) Transportation arrangements
- d) Recommendations for post-release supervision terms and conditions.